



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Ryan Russo  
Director, OakDOT

**SUBJECT:** On-Call Horizontal Concrete Shaving  
for Sidewalk Displacements Services

**DATE:** October 14, 2020

City Administrator Approval 

Date: Oct 28, 2020

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Waiving Advertising And Competitive Bidding And Authorizing the City Administrator To Negotiate And Award A Construction Services Contract For On-Call Horizontal Concrete Shaving For Sidewalk Displacements Services, For A Term Not To Exceed Four (4) Years And In An Amount Not To Exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) With Precision Emprise, LLC.**

## EXECUTIVE SUMMARY

Across Oakland, uplifted sidewalks delay universal accessibility and create trip hazards that can result in trip and fall injuries, which can result in claims against the City and private property owners alike. Short-term fixes are ineffective: asphalt patching doesn't last and chips over time. Grinding damages concrete sidewalks and does not provide a smooth ADA-compliant walkable path. Traditional fixes, such as concrete removal and replacement are resource-intensive and expensive. Horizontal concrete shaving is a technique that provides an effective, inexpensive, environmentally-friendly alternative to grinding and remove/replace efforts, and smooths uplifts without damaging the rest of the sidewalk. Staff estimate that 60% of sidewalk damage locations citywide are candidates for horizontal shaving alone (versus full removal and replacement).

Approval of the proposed resolution will authorize the City Administrator or designee to execute a construction services agreement with Precision Emprise, LLC in the amount of \$4,500,000.00 for On-Call Horizontal Concrete Shaving for Sidewalk Displacement Services to perform sidewalk surveying and horizontal concrete shaving to eliminating trip hazards for a period of 4 years.

## **BACKGROUND/LEGISLATIVE HISTORY**

Ensuring sidewalks are free from defects, hazards, and uplifts is a key action toward compliance with the Americans with Disabilities Act (ADA). Locally, sidewalk repair priorities are established by the City's adopted Sidewalk Prioritization Program (Resolution No. 81751 C.M.S) and *Oakland Walks!*, the citywide pedestrian plan (Resolution No. 86809 C.M.S.), both of which prioritize accessible sidewalks near transit, schools, medical centers, and city buildings.

## **ANALYSIS/POLICY ALTERNATIVES**

On March 20, 2020, the City issued a Request for Qualifications (RFQ) to provide On-Call Horizontal Concrete Shaving For Sidewalk Displacements. The RFQ sought presentation of qualifications from construction services firms to survey, analyze, record, and provide horizontal concrete shaving services at various sidewalk locations throughout the City for a four (4) year term in an amount not-to-exceed \$4,500,000. Throughout the contract period, City will subsequently issue Task Orders indicating locations of sidewalk hazard repairs with milestone deadlines.

In preparing the RFQ terms and overall not-to-exceed budget, staff reviewed similar contracts for horizontal concrete shaving issued by other Bay Area municipalities. Staff also evaluated available funds given that sidewalk repairs under this contract would be performed according to both the Sidewalk Prioritization Plan and the 2019 3-Year Paving Plan. Therefore, the budget and schedule of the proposed project is based on a review of other municipalities' contracts, taking into account the comparative sidewalk mileage, and based on locally available funding and need.

Qualifications were received from Precision Emprise, LLC; and Ray's Electric, both based in Oakland, and Trip Stop, based in San Mateo. As set forth in the RFQ, the evaluation criteria included firm experience with concrete shaving and sidewalk surveying, qualifications, approach including data management and geographic information systems (GIS) and asset management system integration, and organization & responsiveness. Based on the selection panel's evaluation results, Precision Emprise, LLC is recommended for the on-call agreement.

The proposed on-call construction services agreement with Precision Emprise, LLC will provide the City with on-call sidewalk surveying and horizontal shaving services. As stated in the RFQ, the priorities for this agreement are all sidewalk corridors along the 2019 3-Year Paving Plan and the approximately 1400 locations citywide where sidewalk damage has been reported and is related to an official tree, which is the City's responsibility to fix. The typical work approach would be for the City to assign a list of street segments or individual addresses. Precision staff would then perform a sidewalk survey, using digital measuring tools to scan, assess, and record the geographic location of any uplifted or broken sidewalks. In assessing the damage, Precision identifies whether the location is a candidate for horizontal shaving. If it is, Precision performs horizontal shaving, which is in many cases a fewer-than-30-minute operation. Precision then provides a digital record of each repaired location, including the original and repaired slope and the total displacement addressed. These reports can be coordinated with the City's asset management system (Cityworks) to compile GIS-based, comprehensive activity reports.

If the location is not a candidate for horizontal shaving, Precision evaluates and estimates the area that will need to be removed and replaced in a future concrete construction operation and conveys this GIS data to the City. This surveying data provides quality inputs toward future sidewalk repair projects, reducing the additional field review needed by staff. These combined professional services have clear utility for planning sidewalk repair efforts on 3YP corridors and for addressing the 1400 locations citywide where official trees have caused sidewalk damage. In these operations, the on-call will help City survey and spatially track which locations need to be fully repaired so that full repairs can be pre-planned (coordinated with neighbors, arborists, inspectors, and property owners) for major sidewalk reconstruction in a succeeding construction project.

Following the efforts to address 3YP corridors and the backlog of sidewalk damage caused by official trees, staff intend to use this on-call contract to provide responsive and efficient relief for trip hazards reported through Oak311. This would result in reduced response times, increased services, and reduced unnecessary sidewalk section removal. It would also enable City concrete crews to provide more concrete removal and replacement services, as the horizontal shaving on-call could reduce need for asphalt patch "make-safe" sidewalk operations.

Oakland Municipal Code ("OMC") section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction which exceeds \$50,000, and the award to the lowest responsible, responsive bidder if an award is made. However, OMC Title 2, Chapter 2.0, Article I, Section 2.04.050.I 5 provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City.

The proposed contract was advertised per OMC. The basis of award for this contract was firm experience and demonstrated qualification, considering the unique construction method and specific data collection and data management expertise required. Staff requests that the City Council find and determine that it is in the best interests of the City to waive competitive bidding based on the following basis:

- Promptly address the 1400 locations where City trees have damaged sidewalks is in the best interests of the City, and the proposed contract would immediately address these locations.
- The contract award has been evaluated on the basis of firm experience and qualifications for a unique construction method combined with detailed professional services.

It is in the best interest of the City to approve the proposed resolution and waive further advertising and competitive bidding per the OMC Section 2.04.050.I.5 for the reasons stated above.

Under the proposed agreement with Precision Emprise, LLC., the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will exceed the City's 50% LBE/SLBE requirement. The LBE/SLBE information has been verified by the Department of Workplace and Employment Standards is shown in **Attachment A**.

### **PUBLIC OUTREACH/INTEREST**

Staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with IFPTE Local 21, Service Employees International Union (SEIU) 1021, and International Brotherhood of Electrical Workers (IBEW) prior to the formal issuance of the RFQ. The RFQ was formally advertised on March 20, 2020, including ads in the East Bay Times, Oakland Post, World Journal, El Mundo, and The Korea Times.

### **COORDINATION**

The work to be done under this contract has been coordinated with the Department of Workplace and Employment Standards. This report and the resolution have been reviewed for form and legality by the Office of the City Attorney and the Budget Bureau of the Finance Department.

### **FISCAL IMPACT**

Horizontal concrete shaving is a cost-effective method of reducing trip hazards compared to concrete removal and replacement, providing ADA-compliant surfaces at 75% the cost. Funds will be identified prior to execution of each task order for horizontal concrete shaving. As a result, Council approval of this Resolution would not result in additional appropriation of funds. Funds will be identified prior to execution of each task order. Funds are generally available for horizontal concrete shaving in the FY 2020-21 Budget in Fund 5332 Measure KK, Organization 92246 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project Nos. 1005174 and 1005420.

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

Precision Emprise LLC currently holds a contract and had previous contracts with the City to perform similar construction services and is performing in a satisfactory manner. While this would be the first larger agreement with Precision Emprise, LLC, the company holds a \$6M, 5-year agreement with the City of San Francisco for on-call sidewalk surveying and horizontal shaving and similar multi-year agreements with the cities of Alameda, Dublin, Walnut Creek, and West Sacramento.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** Precision Emprise, LLC is verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. Precision is required to have 50 percent of the work hours performed by Oakland residents, and 50 percent of all new hires are to be Oakland residents, which will result in funds being spent locally.

***Environmental:*** Improving the pedestrian environment may encourage mode shift away from single occupancy vehicles and towards walking and transit. Additionally, horizontal concrete shaving addresses hazards within otherwise adequate concrete sidewalks, prolonging the life of existing materials.

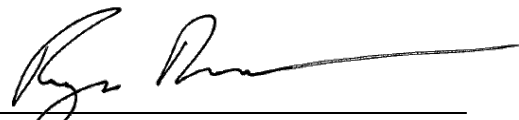
***Race & Equity:*** By prioritizing sidewalk repairs on 3YP corridors, this on-call will follow the racial equity framework of the paving plan. Additionally, improvements to sidewalks will provide greater safety, accessibility, and mobility to all Oaklanders but are especially important for people with disabilities, seniors, and people traveling with children.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Waiving Advertising And Competitive Bidding And Authorizing the City Administrator To Negotiate And Award A Construction Services Contract For On-Call Horizontal Concrete Shaving For Sidewalk Displacements Services, For A Term Not To Exceed Four (4) Years And In An Amount Not To Exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) With Precision Emprise, LLC.

For questions regarding this report, please contact Sarah Fine, Program Manager, Complete Streets Paving and Sidewalk, 510-238-6241.

Respectfully submitted,



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*Attachments:*

*A: Contracts & Compliance Unit Compliance Evaluation*